



Walla Walla County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

For Ecology Use Only
RECEIVED
Received: **OCT 25 2013**
DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE
Reviewed by: _____
Date Reviewed: _____

Applicant: Byerley

Application Number: WALL-13-02

This record of decision was made by a majority of the board at an open public meeting of the Walla Walla County Water Conservancy Board held on 10/2/13. The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

X Approval: The Walla Walla County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on 10/2/13 and submits this record of decision and report of examination to the Department of Ecology for final review.

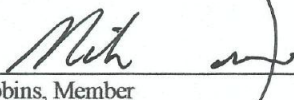
☐ **Denial:** The Walla Walla County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review.

Signed:



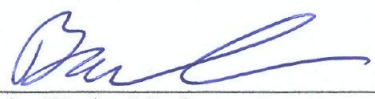
Alan Kottwitz, Chair
Walla Walla County Water Conservancy Board

Date: 10/2/13
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐



Mike Dobbins, Member
Walla Walla County Water Conservancy Board

Date: 10/02/13
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐



Brian Worden, Member
Walla Walla County Water Conservancy Board

Date: 10/2/13
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Drex Gauntt, Alternate
Walla Walla County Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

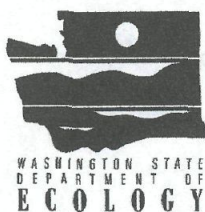
(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Mailed with all related documents to the Dept of Ecology Eastern Regional Office, and other interested parties on

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

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WALLA WALLA COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON

RECEIVED

OCT 25 2013

Report of Examination

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

☐ Surface Water ☒ Ground Water

DATE APPLICATION RECEIVED April 3, 2013	WATER RIGHT DOCUMENT NUMBER Ground Water Certificate No. 284-A(A)	WATER RIGHT PRIORITY DATE January 24, 1946	BOARD-ASSIGNED CHANGE APPLICATION NUMBER WALL-13-02
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NAME SCOTT BYERLEY	(CITY) Walla Walla	(STATE) Washington	(ZIP CODE) 99362
ADDRESS (STREET) 501 W. Langdon Road			

Changes Proposed: ☐ Change purpose ☐ Add purpose ☐ Add irrigated acres ☐ Change point of diversion/withdrawal
☐ Add point of diversion/withdrawal ☒ Change place of use ☐ Other (Temporary, Trust, Interties, etc.)

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right – GW Cert. No. 284-A(A) (Tentative Determination)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 375	MAXIMUM ACRE-FT/YR 224.2	TYPE OF USE, PERIOD OF USE 375 gallons per minute, 224.2 acre-feet per year, from January 1 to December 31, each year, for the seasonal irrigation of 85 acres. (Non-additive)				
SOURCE Three (3) wells (Basalt aquifer)			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
1. 340736-510078	SW	SW	25	7	34 E	32	Walla Walla
2. 340724-430006	SE	SE	24	7	34 E	32	Walla Walla
3. 340724-430006	SE	SE	24	7	34 E	32	Walla Walla
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED See Superseding Certificate for Ground Water Certificate No. 284-A(A), issued on December 20 th , 2011 (Attached).							
PARCEL NO. Various	¼	¼	SECTION 25 & 36	TOWNSHIP N. 7	RANGE, 34		

Proposed Use – GW Cert. No. 284-A(A)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 21	MAXIMUM ACRE-FT/YR 13.2	TYPE OF USE, PERIOD OF USE 21 gallons per minute, 13.2 acre-feet per year, from January 1 to December 31, each year, for the seasonal irrigation of 5.00 acres (Non-Additive)				
SOURCE Three (3) wells (Basalt aquifer)			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
1. 340736-510078	SW	SW	25	7	34 E	32	Walla Walla
2. 340724-430006	SE	SE	24	7	34 E	32	Walla Walla
3. 340724-430006	SE	SE	24	7	34 E	32	Walla Walla
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED Bye-Far Golf LLC: Parcel A, a portion of the SW1/4 of section 25, T. 7 N., R. 34 E.W.M. Beginning at a point 847 feet north of the SW corner of section 25 on the section's west line. Thence continuing on the west line 587 feet. Thence east 2428 feet on a line parallel to the south line of section 25. Thence S. 1°5'30" E., 400feet. Thence N. 88°37'50" W., 518 feet. Thence S. 80°03'45" W., 102 feet. Thence N. 88°37'50" W., 1075 feet. Thence along a curve with radius of 3720 feet to the left a distance of 456 feet. Thence S. 64°08'01" W., 366 feet. Thence along a curve with radius 3610 feet to the left to the POB. Alfalfa LLC: Parcel B, a portion of the SW1/4 of section 25 and the NW1/4 of section 36, T. 7 N., R. 34 E.W.M. Beginning at a point 3010 feet west of the SE corner of section 25 on the south line. Thence N. 1°46'45" W., 580 feet. Thence east parallel to the south section line 425 feet. Thence N. 88°48'30" W., 440 feet. Thence N. 78°28'20" W., 203 feet. Thence N. 88°53'30" W., 722 feet. Thence S. 1°31'40" E., to the Hwy 12 right of way. Thence easterly along the right of way 948 feet. Thence north 554 feet to the POB. Tax Parcel Nos.: 340725-110007, 340736-510077, 340736-510076, 340736-510071, 340736-510070, 340736-510083; 340736-510084; 340736-510082							
PARCEL NO. Various	¼	¼	SECTION 25 & 36	TOWNSHIP N. 7	RANGE, 34		

Proposed Use – GW Cert. No. 284-A(D)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 354	MAXIMUM ACRE-FT/YR 211	TYPE OF USE, PERIOD OF USE 354 gallons per minute, 211 acre-feet per year, from January 1 to December 31, each year, for the seasonal irrigation of 80 acres. (Non-Additive)				
SOURCE Three (3) wells (Basalt aquifer)			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
1. 340736-510078	SW	SW	25	7	34 E	32	Walla Walla
2. 340724-430006	SE	SE	24	7	34 E	32	Walla Walla
3. 340724-430006	SE	SE	24	7	34 E	32	Walla Walla
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
Please see Attachment A: Legal Description for J&J Golf, LLC. (Parcel 340725-110006)							
ALSO, the N½SE¼ of Sec. 24, T. 7 N., R. 34 E.W.M. (Parcel 340724-410001)							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		
Various			24, 25	7	34 E.		

Board's Decision on the Application – GW Cert. No. 284-A(A)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 21	MAXIMUM ACRE-FT/YR 13.2	TYPE OF USE, PERIOD OF USE 21 gallons per minute, 13.2 acre-feet per year, from January 1 to December 31, each year, for the seasonal irrigation of 5.00 acres (Non-Additive)				
SOURCE Three (3) wells (Basalt aquifer)			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
1. 340736-510078	SW	SW	25	7	34 E	32	Walla Walla
2. 340724-430006	SE	SE	24	7	34 E	32	Walla Walla
3. 340724-430006	SE	SE	24	7	34 E	32	Walla Walla
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
<p>Bye-Far Golf LLC: Parcel A, a portion of the SW1/4 of section 25, T. 7 N., R. 34 E.W.M. Beginning at a point 847 feet north of the SW corner of section 25 on the section's west line. Thence continuing on the west line 587 feet. Thence east 2428 feet on a line parallel to the south line of section 25. Thence S. 1°5'30" E., 400feet. Thence N. 88°37'50" W., 518 feet. Thence S. 80°03'45" W., 102 feet. Thence N. 88°37'50" W., 1075 feet. Thence along a curve with radius of 3720 feet to the left a distance of 456 feet. Thence S. 64°08'01" W., 366 feet. Thence along a curve with radius 3610 feet to the left to the POB.</p> <p>Alfalfa LLC: Parcel B, a portion of the SW1/4 of section 25 and the NW1/4 of section 36, T. 7 N., R. 34 E.W.M. Beginning at a point 3010 feet west of the SE corner of section 25 on the south line. Thence N. 1°46'45" W., 580 feet. Thence east parallel to the south section line 425 feet. Thence N. 88°48'30" W., 440 feet. Thence N. 78°28'20" W., 203 feet. Thence N. 88°53'30" W., 722 feet. Thence S. 1°31'40" E., to the Hwy 12 right of way. Thence easterly along the right of way 948 feet. Thence north 554 feet to the POB.</p> <p>Tax Parcel Nos.: 340725-110007, 340736-510077, 340736-510076, 340736-510071, 340736-510070, 340736-510083; 340736-510084; 340736-510082</p>							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		
Various			25 & 36	7	34		

Board's Decision on the Application – GW Cert. No. 284-A(D)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 354	MAXIMUM ACRE-FT/YR 211	TYPE OF USE, PERIOD OF USE 354 gallons per minute, 211 acre-feet per year, from January 1 to December 31, each year, for the seasonal irrigation of 80 acres. (Non-Additive)				
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AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
Please see Attachment A: Legal Description for J&J Golf, LLC (Parcel 340725-110006)							
ALSO, the N½SE¼ of Sec. 24, T. 7 N., R. 34 E.W.M. (Parcel 340724-410001)							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		
Various			24, 25	7	34 E.		

The intent of this application is to divide Ground Water Certificate No. 284-A(A) into two separate superseding certificates, Nos. 284-A(A) and 284-A(D), each authorizing a different place of use. The specific allocations approved by the Board for each of the proposed superseding certificates are outlined in Table 1, below:

Table 1: Summary of the Board Approval – Change to WW Adj. Cert. No. 284-A(A)

Name	Proposed Cert. No	Acres	Instantaneous (gpm)	Acre-feet	Purpose
Scott Byerley J&J Golf, LLC	GW Cert. No. 284-A(A)	5.00	21.0	13.2	Irrigation
	GW Cert. No. 284-A(D)	<u>80.00</u>	<u>354</u>	<u>211</u>	Irrigation
	Totals	85.00	375	224.2	

DESCRIPTION OF PROPOSED WORKS

Three basalt aquifer wells, mainline, handline sprinklers (Byerley); Three basalt aquifer wells, mainline, storage reservoir, pumps, handline sprinklers/underground automatic sprinkler system (J & J Golf, LLC); Three basalt aquifer wells, mainline, handline sprinklers for 80 acres (N½SE¼ of Sec. 24, T. 7 N., R. 34 E.W.M.)

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Started	COMPLETE PROJECT BY THIS DATE: November 1, 2017	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: November 1, 2018
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REPORT

BACKGROUND

On April 3, 2013, Scott Byerley of Walla Walla, Washington, filed an application for change with the Walla Walla County Water Conservancy Board, ("Board"), to change the place of use under Ground Water Certificate No. 284-A(A) – ("Cert. No. 284-A(A)"). The application was accepted at an open public meeting on April 3, 2013, and the Board assigned the application number WALL-13-02.

Attributes of the water right as currently documented

Name on certificate, claim, permit:	Alfalfa LLC, Bye-Far Golf, LLC
Water right document number:	Groundwater Certificate No. 284-A(A)
As modified by certificate of change number:	No authorized changes to this right. (2 Administrative Divisions)
Priority date, first use:	January 24, 1946
Water quantities:	Qi : 375 gallons per minute Qa: 224.2 acre-feet per year (Non-Additive)
Source:	Three (3) wells – Basalt aquifer
Points of diversion/withdrawal (3):	1. SW¼SW¼ of Sec. 25, T. 7 N., R. 34 E.W.M 2 & 3: SE¼SE¼ of Sec. 24, T. 7 N., R. 34 E.W.M.
Purpose of use:	Irrigation of 85 acres
Period of use:	January 1 to December 31, each year
Place of use:	

Bye-Far Golf LLC: Parcel A, a portion of the SW1/4 of section 25, T. 7 N., R. 34 E.W.M. Beginning at a point 847 feet north of the SW corner of section 25 on the section's west line. Thence continuing on the west line 587 feet. Thence east 2428 feet on a line parallel to the south line of section 25. Thence S. 1°5'30" E., 400feet. Thence N. 88°37'50" W., 518 feet. Thence S. 80°03'45" W., 102 feet. Thence N. 88°37'50" W., 1075 feet. Thence along a curve with radius of 3720 feet to the left a distance of 456 feet. Thence S. 64°08'01" W., 366 feet. Thence along a curve with radius 3610 feet to the left to the POB.

Alfalfa LLC: Parcel B, a portion of the SW1/4 of section 25 and the NW1/4 of section 36, T. 7 N., R. 34 E.W.M. Beginning at a point 3010 feet west of the SE corner of section 25 on the south line. Thence N. 1°46'45" W., 580 feet. Thence east parallel to the south section line 425 feet. Thence N. 88°48'30" W., 440 feet. Thence N. 78°28'20" W., 203 feet. Thence N. 88°53'30" W., 722 feet. Thence S. 1°31'40" E., to the Hwy 12 right of way. Thence easterly along the right of way 948 feet. Thence north 554 feet to the POB.

The following two lots are excluded from Alfalfa LLC POU. For the first lot (Walla Walla County parcel numbers 340736-510076 and 340736-510077), beginning at the intersection of the north right-of-way line of U.S. Highway 12 and the west line of Sec. 36, T. 7 N., R. 34 E.W.M, thence S. 82°24'39" E., 1269 feet along the north right-of-way of Highway 12 to the POB; thence N. 1°44'19" W., 594 feet; thence N. 88°26'34" E., 210 feet; thence S. 1°33'36" E., 627 feet; thence N. 82°34'34" W., 213 feet to the POB.¹

For the second excluded lot (Walla Walla County parcel numbers 340736-510070 and 340736-510071), beginning at the intersection of the north right-of-way line of U.S. Highway 12 and the west line of Sec. 36, T. 7 N., R. 34 E.W.M., thence S. 82°24'39" E., 1880 feet along the north right-of-way of Highway 12 to the POB; thence N. 1°46'11" W., 503 feet; thence N. 88°26'23" E., 330 feet; thence S. 1°45'09" E., 554 feet; thence N 82°24'39" W., 334 feet to the POB.¹

Parcel C, a portion of the NW¼ of Section 36 in T. 7 N., R. 34 E.W.M. Commencing at the NW corner of Sec. 36, thence south along the west line 408.5 feet; thence S 82°35'07" E., 329.1 feet to the POB. From the POB, S. 1°51'44" E., 1185.4 feet thence N. 83°56'40" E., 487.8 feet; thence S 76°14'33" E., 235.5 feet; thence S. 88°13'47" E., 190.5 feet; thence N 84°16'17" E., 93.0 feet; thence N 80°32'14" E., 199.2 feet; thence N. 1°20'41" W., 996.3 feet to the Hwy 12 south right-of-way. Thence northwesterly along the right-of-way to the POB.

¹ These portions of the existing legal description are incorrect and should not have been excluded. This change will correct this error by including them within the place of use.

Existing provisions:

"The division of Groundwater Certificate 284-A(A) into Superseding Groundwater Certificate 284-A(A) and 284-A(C) shall not be construed as validation as to the extent of Groundwater Certificate No. 284-A(A) as originally authorized. The amounts provided on the superseding portions of this water right reflect agreement among the owners of the described place of use, but are not confirmed by Ecology in the recording of the division of said right. The actual amounts authorized by the superseding certificates are subject to the historic beneficial use of water under Groundwater Certificate 284-A(A)."

"Use of water under this authorization shall be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities."

"All conditions and requirements contained in reports of examination or permits previously issued apply to this superseding certificate unless specifically noted below."

"The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop(s) grown on the number of acres and the place of use specified."

"This authorization to make use of public water of the state is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise."

"Maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An airline and gauge may be installed in addition to the access port."

"All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.014 (Washington Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells)."

"This authorization to use public water for the State is classified as a Family Farm certificate in accordance with Chapter 90.66 RCW (Initiative Measure No. 59). This means the land being irrigated under this authorization shall comply with the following definition: Family farm – a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether continuous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the State of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm."

"The right to use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in RCW 90.03.380, 90.03.390, and 90.44.100."

"This superseding certificate of water right is specifically subject to relinquishment for non-use of water as provided in Chapter 90.14 RCW."

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

The subject water right, Cert. No. 284-A(A) carries a priority date of January 24, 1946. The right originally authorized the withdrawal of water from a single basalt aquifer well in the amount of 500 gallons per minute, 300 acre-feet per year, for the irrigation of 120 acres. This right was issued as a supplemental to existing adjudicated surface water rights, Walla Walla River Adjudication Certificate Nos. 630 and 833. These surface water rights are subject to curtailment in dry years, and this right has served as an alternate source of water for the subject lands. In 1996 a superseding certificate issued for Cert. No. 284-A, which added two basalt aquifer wells to the water right. The right has also been subject to two Administrative Divisions in subsequent years.

The subject lands have been irrigated more or less continuously since Cert. No. 284-A first issued, utilizing a combination of several different surface and ground water rights as described in more detail under the section titled "Other Water Rights". Cropping records obtained from the United States Department of Agriculture (USDA) Farm Service Agency show a variety of crops grown rotationally within the authorized place of use, including alfalfa/seed, grains, onions, and more recently turf. The production crops are irrigated primarily with hand line sprinklers, while the turf is largely irrigated by means of an underground sprinkler system.

Previous changes

There is one previous change that was completed on Cert. No. 284-A. This change added two basalt aquifer wells to the water right, integrating an existing irrigation system. The superseding certificate for this change issued on March 12, 1996.

Cert. No. 284-A was processed through an Administrative Division, which created GW Cert. Nos. 284-A(A) and 284-A(B). Superseding certificates for this division were issued on October 26, 2006. Cert. No. 284-A(A) then went through a second Administrative Division process, which created Superseding Certificate Nos. 284-A(A) and 284-A(C). These superseding certificates were issued on December 20, 2011.

SEPA (State Environmental Policy Act)

The board has reviewed the proposed project in its entirety. A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- It is a surface water right application for more than 1 cubic feet per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gallons per minute;
- It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;

- It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application, separately or collectively in combination with other water rights proposed for change as part of this project, does not meet any of these conditions it is categorically exempt from SEPA and a threshold determination is not required.

Statutory Requirements/Authorities for Proposed Change

The following is a list of pertinent Washington State Statute and Case Law requirements that must be considered prior to authorizing the proposed change in place of use and point of withdrawal:

The following is a list of pertinent Washington State Statute and Case Law requirements that must be considered prior to authorizing the proposed change in place of use and point of withdrawal:

RCW 90.03.380(1) states that a water right which has been put to beneficial use may be changed. The point of diversion, place of use, and purpose of use may be changed if it would not result in harm or injury to other water rights.

The Washington Supreme Court has held that when processing an application for change to a water right, a tentative determination of extent and validity of the claim or right is required. This is necessary to establish whether the claim or right is eligible for change. *R.D. Merrill v. PCHB* and *Okanogan Wilderness League v. Town of Twisp*.

RCW 90.44.100 allows amendment of a ground water right to (1) allow the user to construct a replacement or additional well at a new location outside of the location of the original well, or to (2) change the manner or place of use of the water, if:

- The additional or replacement well taps the same body of public ground water as the original well. RCW 90.44.100(2)(a).
- Where a replacement well is approved, the user must discontinue use of the original well and properly decommission the original well. RCW 90.44.100(2)(b).
- Where an additional well is constructed, the user may continue to use the original well, but the combined total withdrawal from all wells shall not enlarge the right conveyed by the original permit or certificate. RCW 90.44.100(2)(c).
- Other existing rights shall not be impaired. RCW 90.44.100(2)(d)

When changing or adding points of withdrawal to groundwater rights, the wells must withdraw from the same body of public groundwater (RCW 90.44.100). Indicators that wells tap the same body of public groundwater include:

- a. Hydraulic connectivity
- b. Common recharge (catchment) area
- c. Common flow regime
- d. Geologic materials that allow for storage and flow, with recognizable boundaries or effective barriers to flow (same aquifer).

Other

The first superseding certificate for Cert. No. 284-A, which issued on March 12, 1996, was erroneously provisioned as a Family Farm permit. Family Farm permits under Chapter 90.66 RCW (Family Farm Water Act) are to apply only to those water rights acquired after December 8, 1977. Certificate No. 284-A originally issued on April 15, 1949, and is not subject to the provisions of Chapter 90.66 RCW. This provision will be removed from any superseding document issuing through this change request.

The information or conclusions in this section were authored and/or developed by the applicant and Bill Neve of Water Right Solutions.

COMMENT AND PROTESTS

Public notice of the application was given in the Waitsburg Times on June 13th and June 20th, 2013. The protest period ended on July 20, 2013.

There were no protests received during the 30 day protest period. In addition, no oral and/or written comments were received at an open public meeting of the board or other means as designated by the board.

The information or conclusions in this section were authored and/or developed by the applicant and Bill Neve of Water Right Solutions.

INVESTIGATION

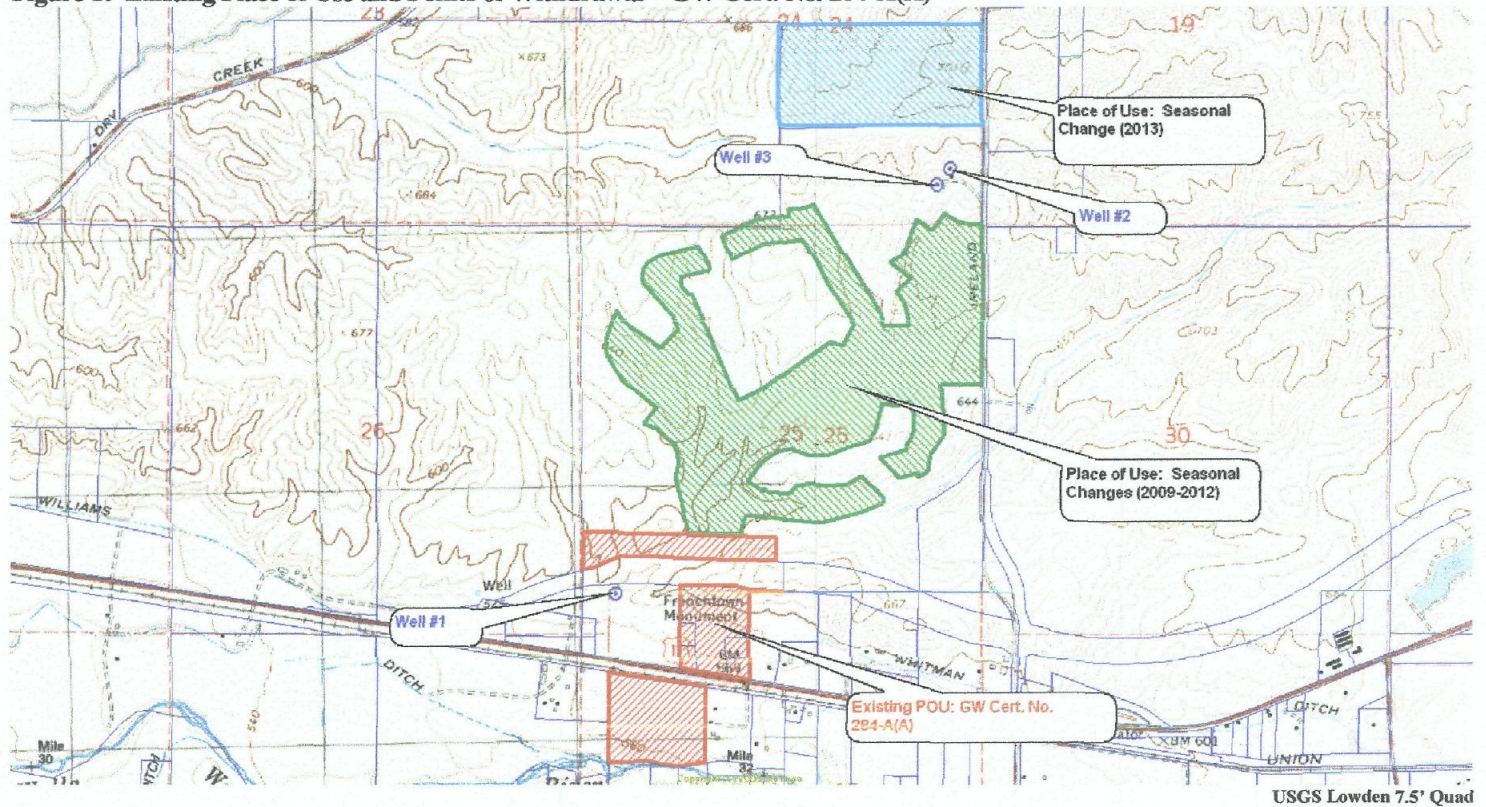
The following information was obtained from a combination of a site inspections conducted by Bill Neve on August 9, 2012 and Board Member Mike Dobbins on July 12th, 2013, and a review of a variety of data sources. The following are some of the primary sources of information obtained and utilized in this investigation:

- Water right files for Cert. No. 284-A and 284-A(A)
- Farm Service Agency (FSA) cropping records
- Technical reports
- U.S. Geological Survey topographic maps
- Aerial photos
- Department of Ecology's Water Right Tracking System (WRTS) database/Water Resource Explorer website
- Review of applicable laws, site visits, rules and policies
- Conversations with the applicant, Scott Byerley.

Proposed project plans and specifications

This application, which proposes to change the place of use to Cert. No. 284-A(A), is one of three change applications that make up the proposed project. The original project area, of which the place of use of Cert. No. 284-A(A) covers a portion, has been divided and portions of the property have been sold. The purpose of this proposed change is to complete a permanent transfer of water rights to a golf course (Wine Valley Golf Club – J & J Golf, LLC) located just to the north of the existing place of use of Cert. No. 284-A(A), and to add place of use for 80 acres of crop irrigation. With respect to Cert. No. 284-A(A), the applicant proposes to retain 5.00 acres of the total water right with a proportionate share of associated quantities, and transfer the balance of the right (80 acres) to J & J Golf, LLC. Both rights would authorize the use of the three existing basalt aquifer water rights.

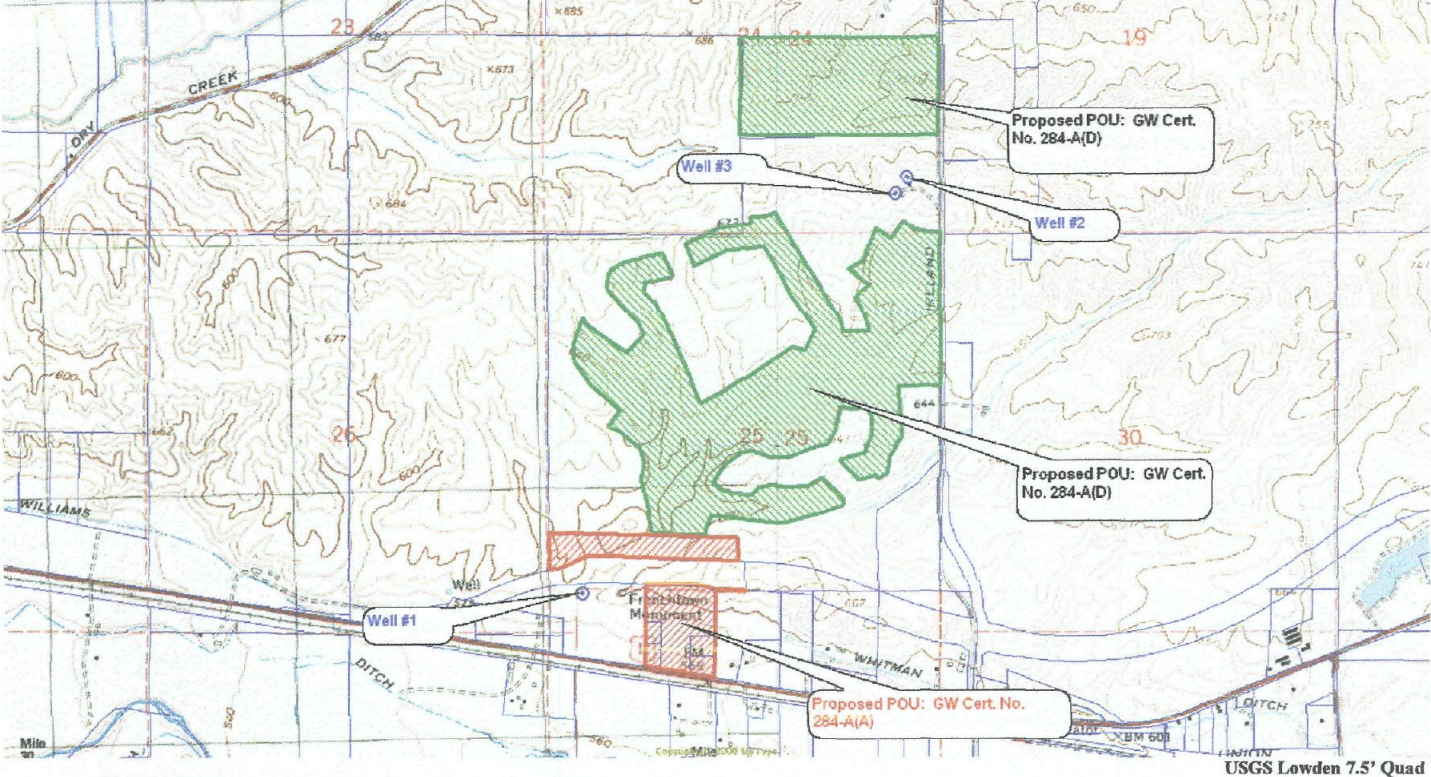
Figure 1: Existing Place of Use and Points of Withdrawal – GW Cert. No. 284-A(A)



J & J Golf, LLC has access to Ground Water Cert. No. 2716, which authorizes the withdrawal of water for the purpose of municipal supply for a housing project to be developed in conjunction with Ecology. Until such time as the housing project is developed, Cert. No. 2716 will be used to irrigate the golf course as a municipal purpose. At the same time the water allocated to eventual golf course irrigation under this right will be used, in conjunction with and in the same manner as, WW Adj. Cert. Nos. 630-A and 833(A) on the 80 acres to be added as part of the authorized place of use of this water right (Figure 2). As the housing project is developed and water under Cert. No. 2716 is used for domestic municipal supply, water will be transitioned from these 80 acres to the golf course.

The properties proposed as the new places of use under this change already have existing irrigation systems in place, and the subject properties are being irrigated. From 2009 to present, seasonal changes to Cert. No. 284-A(A) and the other two associated surface water rights have been transferred in a manner similar to that being requested herein through seasonal transfers approved through the Dept. of Ecology. This proposal would make those transfers permanent. A five-year development schedule to put water to full beneficial use is initially proposed, with the possibility of extensions as necessary given current economic conditions which have hampered development of the property.

Figure 2: Proposed Places of Use and Points of Withdrawal – GW Cert. No. 284-A(A) & Cert. No. 284-A(D)



Other water rights appurtenant to the property (if applicable)

Surface Water Rights: There are two surface water rights which overlap GW Cert. No. 284-A(A) and are associated with it. Walla Walla Adjudication Surface Water Certificate No. 630(A) authorized the diversion of water from the Walla Walla River for the irrigation of 63.75 acres. Adjudicated Surface Water Certificate No. 833(A) authorizes the diversion of water from the Walla Walla River for the irrigation of 21.25 acres, and is additive to Adj. Cert. No. 630(A). Together these two rights authorize the diversion of water from the Walla Walla River for the irrigation of 85 acres. The place of use of GW Cert. No. 284-A(A) is largely the same as Adj. Cert. Nos. 630(A) and 833(A). The 85 acres authorized for irrigation under GW Cert. No. 284-A(A) are supplemental (non-additive) to the 85 acres authorized through these two surface water rights.

Through this and associated changes to the surface water rights, the applicant wishes to retain a total of 5 acres of surface water right [1.25 acres from 833(A), 3.75 acres from 630(A)] as primary right, and 5 acres of GW Cert. No. 284-A(A) as supplemental right to these same 5 acres. It is the intent to have the remaining rights (80 acres total) convey to J & J Golf, LLC.

Ground Water Rights: There is one other ground water right which is appurtenant to at least part of the properties involved in this change. Ground Water Certificate No. 6914-A(A) authorizes withdrawal of water from a gravel aquifer well for the irrigation of 21.47 acres. The authorized place of use of this right is the same as that proposed herein for the Byerley portion of this right. The applicant proposes to retain the full instantaneous portion of this right (37.4 gallons per minute), together with a disproportionate amount of the supplemental annual quantity (25 acre-feet) for the non-additive irrigation of 5 acres. The remaining 34.49 acre-feet and 16.47 acres authorized for irrigation under this right would then relinquish.

Table 2: Summary of Water Rights Appurtenant to Existing Place of Use (Scott Byerley)

Cert. No.	Priority Date	Rate (Qi) max	Acre-feet (Qa)	Acres	POW	Notes
WW Adj. Cert. 630(A)	1904	1.275 (cfs)	318.75	63.75	Walla Walla River	Additive
WW Adj. Cert. 833(A)	1926	0.425 (cfs)	106.25	21.25	Walla Walla River	Additive
GW Cert. 284-A(A)	1/24/1946	375 (gpm)	224.2	85	Basalt aquifer wells	Non-Additive (Qa)
GW Cert. 6914-A(A)	5/21/1968	37.4(gpm)	59.49	21.47	Gravel aquifer well	Non-Additive (Qa)
Proposed						
WW Adj. Cert. 630(A)	1904	0.075 (cfs)	18.75	3.75	Walla Walla River	Additive
WW Adj. Cert. 833(A)	1926	0.025 (cfs)	6.25	1.25	Walla Walla River	Additive
GW Cert. 284-A(A)	1/24/1946	21.0 (gpm)	13.2	5.00	Basalt aquifer wells	Non-Additive (Qa)
GW Cert. 6914-A(A)	5/21/1968	37.4 (gpm)	25	5.00	Gravel aquifer well	Non-Additive (Qa)

The J & J Golf, LLC property to which 80 acres of Cert. No. 284-A(A) are to be transferred to also enjoys other existing water rights. A summary of the existing rights, and proposed transfers, is provided in Table 3, below.

Table 3: Summary of Water Rights – Existing and Proposed – for J & J Golf, LLC

Cert. No.	Priority Date	Rate (Qi) max	Acre-feet (Qa)	Acres	POW	Notes
Existing						
G3-23614(C)	9/4/1974	346 (gpm)	212	90	Basalt wells (3)	Additive
S3-29174 ¹	4/2/1992	1.7 (cfs)	170	232	Walla Walla River	Non-Additive (Qa)
G3-28030(A) ¹	8/15/1985	758 (gpm)	299.84	448.57 ²	Basalt Wells (3)	Additive
G3-28736(A) ¹	2/10/1990	1158 (gpm)	1060	448.57	Basalt Wells (3)	324.16 ac/ft - Additive
GW-2716	1/27/1954	403 (gpm)	285	N/A	Basalt Wells (2)	Domestic & comm./ind.
Proposed to Add						
WW Adj. Cert. 630(E)	1904	1.20 (cfs)	300	60	Walla Walla River	Additive
WW Adj. Cert. 833(E)	1926	0.40 (cfs)	100	20	Walla Walla River	Additive
GW Cert. 284-A(D)	01/24/1946	354 (gpm)	211	80	Basalt wells (3)	Non-Additive (Qa)

¹ While the current authorized place of use of GW Cert. Nos. G3-28030(A) and G3-28736(A) include the J&J Golf, LLC property, Byerely and J & J Golf, LLC have a private agreement that these two rights, and the proportional quantities of SW Cert. No. S3-29174 associated with these two rights, are unavailable for use on J & J Golf, LLC lands and are only to be used on property outside the proposed place of use for GW Cert. No. 284-A(D).

² Of these 448.57 acres, 119.91 acre additive, the remaining 328.66 acres are non-additive. The entire Qi and Qa are additive.

Public Interest (groundwater only)

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. Expressions of public interest for this proposed change potentially include: comments or protests regarding approval of the proposed change; Walla Walla County Municipal Code; the WRIA 32 Watershed Plan.

- a. *Comments/Protests*: No comments or protests were received regarding potential approval of the proposed change.
- b. *Walla Walla County Municipal Code (Codified as Ordinance 369, November 10, 2008)*: The place of use for the subject water right is located entirely within the Ag-Residential – 10 acre-minimum lot size zoning district. As the proposed water right change would not alter the existing county approved use of the subject lands, it is consistent with the Walla Walla County Code.
- c. *WRIA 32 Watershed Plan*: The locally developed and approved basin watershed plan expressed a desire that new water rights or changes to existing water rights not negatively impact streams, springs, or wells hydraulically connected to surface waters sources within WRIA 32. This application involves changing the place of use and adding a point of withdrawal to a basalt aquifer water right. The basalt aquifer in the Walla Walla River Basin is generally considered not to have a significant hydraulic connection to basin surface water streams. Additionally, the proposed changes would occur within the same general area as that where the existing water right is put to beneficial use, and would not expand or otherwise enhance the right over and above what has been put to historic beneficial use. The proposed changes are consistent with the WRIA 32 Watershed Plan, in that the proposed changes should not negatively impact any surface waters in the basin.

Tentative Determination

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board's tentative determination was based upon the following findings:

Cert. No. 284-A(A) authorizes a maximum withdrawal rate of 375 gallons per minute, an annual duty of 224.2 acre-feet per year, for the irrigation of 85 acres. For purposes of this tentative determination, each component of water use will be evaluated separately.

Instantaneous Quantity (Qi): There are three basalt aquifer wells authorized for use under Cert. No. 284-A(A), each one of which has the capacity to pump the 375 gallons per minute authorized for use. Well No. 1 has a 10-inch diameter well with a 100 HP submersible pump; Well No. 2 is a 16-inch diameter well with a 150 HP turbine pump installed; and Well No. 3 is a 10-inch diameter well with a 100 HP submersible pump installed. These wells are used to pump water under Cert. No. 284-A(A) as well as several other existing ground water rights for which they are authorized points of withdrawal. The full 375 gallons per minute pumping rate has been utilized under Cert. No. 284-A(A) and can be considered valid and available for consideration for change under this application.

Acres: A review of Farm Service Agency records, aerial photos, and Ecology records was conducted to determine the extent of acres actually irrigated under this water right. The FSA records from 2000 through 2008 show a crop rotation including alfalfa seed, grain and onions (Table 4). More recently, from 2009 through 2012, seasonal changes have been approved for this and associated rights to change the place of use to J & J Golf, LLC (Wine Valley Golf Course), for turf irrigation (See Figure 3). In 2013, a seasonal change was granted for agricultural irrigation, consistent with the changes requested herein. All records show that the 85 acres authorized for irrigation through Cert. No. 284-A(A) have been irrigated continuously since at least 2000. None of the information reviewed suggested that anything less than the full 85 acres have been irrigated on a regular basis.

It is noted that the current place use of Cert. No. 284-A(A) encompasses a total area of approximately 65 acres, which is less than the 85 acres authorized for irrigation. Up until 2011, the authorized place of use of Cert. No. 284-A(A) covered a much larger place of use, included 27.13 acres of land (Frenchtown Historic Site) to the immediate west of the existing place of use; in 2011 an Administrative Division of Cert. No. 284-A(A) was completed, which reduced the total area of the authorized place of use to ~65 acres. This resulted in the acres authorized for irrigation being more than the number of acres the place of use actually contained. This situation will be resolved through approval of the transfer of water right proposed herein. It is also repeated here that the full 85 acres authorized have been irrigated even after this Administrative Division was completed in 2011, through seasonal changes approved through Ecology.

Figure 3: Aerial Photo of Seasonal Changes in Place of Use - WW Adj. Cert. No. GW Cert. No. 284-A(A)



Table 4: GW Cert. No. 284-A(A) Irrigated Crop Type: 2000 – 2013

Year	Crop Types
2013	Wheat, Alfalfa Seed
2012	Turf
2011	Turf
2010	Turf
2009	Turf
2008	Wheat, Onions
2007	Alfalfa Seed, Onions
2006	Wheat, Alfalfa Seed
2005	Wheat
2004	Alfalfa Seed
2003	Alfalfa Seed
2002	Wheat
2001	Wheat, Alfalfa Seed
2000	Wheat, Alfalfa Seed

Annual Quantity (Qa): The annual quantity authorized for use under Cert. No. 284-A(A) is 224.2 acre feet. As shown in Table 4, above, records show that crops grown over the 85 acres authorized for irrigation include alfalfa seed, onions, grain crops and turf. The water wells authorized under Cert. No. 284-A(A) are metered, but due to the fact that multiple water rights are sourced from these wells, the numbers cannot be directly related to the specific acres authorized for irrigation under Cert. No. 284-A(A). The State of Washington Irrigation Guide¹ was the primary reference utilized to determine irrigation requirements for these crops in this specific area. Alfalfa seed is not a crop currently referenced in the Guide; therefore crop irrigation use for alfalfa seed was determined based on the existing irrigation system and scheduling used by the grower (see Table 5).

Irrigation for alfalfa seed will vary depending on the season and stage of growth of the crop, which is typically grown on a 4-year rotation with grain. The highest irrigation water use occurs when new seeding is initially established, which generally involves a double cropping system with spring grain followed by new alfalfa seed establishment in late summer and fall. The applicant has historically used irrigation hand line to irrigate alfalfa seed on the subject lands. The line spacing used is 40 feet by 40 feet sprinkler to riser. The nozzle discharge rate averages 5 gallon per minute.

A 40 foot by 40 foot spacing, with 5 gallons per minute nozzle discharge, equates to a 0.30 inches per hour application rate. An efficiency factor to account for conveyance losses is appropriate in this situation. Department of Ecology Guidance Document GUID-1210, “Determining Irrigation Efficiency and Consumptive Use” notes that the National Irrigation Handbook, 1997, identifies the magnitude of irrigation system leaks at 1 – 10%, with the lower end of the range indicative of a well-maintained system. A ¼ mile line of 33 sprinkler heads @ 5 gpm/head has a total discharge of 165 gpm. The applicant’s system is older, and system leaks at pipe gaskets, sprinkler heads, and valves are persistent. It is estimated that the average loss in a line of this type for this system is 10 gallons per minute, or a 6% efficiency factor.

The double cropping system used when establishing new seeding involves 2-24 hour sets for spring grain, followed by a 12, 24 and finally a 48 hour irrigation set for the new alfalfa seeding (Table 6). The following year typically involves a 48 hour set in the spring, followed by a 12 hour set in the summer, and another 48 hour set in the fall (Table 5).

¹ State of Washington Irrigation Guide, 1985 (amended 1990, amended 1992 for select western Washington crops)

Table 5: Irrigation Water Use Estimate – Irrigation Scheduling: Alfalfa Seed (Established)

Season	Lateral Spacing	Sprinkler Spacing	Sprinkler Rate (gpm)	Irrigation Hours	Total Qa at 94% efficiency
Spring	40	40	5.0	48	15.32
Summer	40	40	5.0	12	3.83
Fall	40	40	5.0	48	15.32
Total					34.47 (2.87ac-ft/ac)

Table 6: Irrigation Water Use Estimate – Irrigation Scheduling: Spring Grain + Alfalfa Seed (New Seeding)

Season	Lateral Spacing	Sprinkler Spacing	Sprinkler Rate (gpm)	Irrigation Hours	Total Qa at 94% efficiency
Spring (Grain)	40	40	5.0	48	15.32
Summer/Fall (New seeding)	40	40	5.0	84	26.81
Totals					42.13 (3.51 ac-ft/ac)

A comparison of the crops grown on the subject lands for the crop years 2000-2012 is shown in Table 7. This table illustrates that turf irrigation, which was the beneficial use of water under this right from 2009-2102, results in the highest annual water use over the period of record at 3.87 acre-feet per acre. For irrigation of 85 acres, the total irrigation requirement equates to a total allocation of 328.95 acre-feet per year. As Cert. No. 284-A(A) authorizes a maximum of 224.2 acre-feet per year as a supplemental, non-additive right, this is the quantity determined to be valid and available for consideration under this application.

Table 7: Comparison of Irrigation Requirements for Crops Grown Under Cert. No. 284-A(A) - (2000 – 2013)

Crop Type	Wash. St. Irr. Guide (inches)	Irr. Scheduling (inches)	Efficiency Factor	Total Ac-Ft/Ac
Alfalfa Seed ^a		34.47	N/A	2.87
Alfalfa Seed (New Seed) ^a		26.81	N/A	2.23
Spring Grain (Irr. Sch.)		15.32	N/A	1.28
Spring Grain (Irr. Guide)	20.85		0.70	2.48
Onions	30.92		0.70	3.68
Turf	34.83		0.75	3.87

^a No irrigation requirement is included for alfalfa seed in the current Irrigation Guide. Figures based on irrigation scheduling calculations.

Washington State law provides that any person entitled to divert water through an appropriation authorized through a general adjudication, who abandons or voluntarily fails, without sufficient cause, to divert all or any part of said water right for a period of five successive years after July 1, 1967, shall relinquish such water right or portion thereof, to the state (RCW 90.14.160). In this particular case, the full non-additive quantity authorized for use under Cert. No. 284-A(A) is determined to be valid through a tentative determination as to the extent and validity of this right.

The full quantities of water allocated for beneficial use under Cert. No. 284-A(A), being 375 gallons per minute, 224.2 acre-feet per year, for the non-additive irrigation of 85 acres, are tentatively determined to be valid and available for consideration of the changes proposed herein.

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

The existing points of withdrawal for this change application are located within the Walla Walla Basin, a hydrologic sub basin of the Columbia Plateau. This basin developed as a structural trough within the Columbia River Basalt Group that was later overlain by unconsolidated sediments. The lowermost sediment unit is referred to as the “blue clay” which rests directly on the basalt basement rock. Directly overlying the “blue clay” and interfingered with it, is the gravel unit. The various unconsolidated gravels serve as the aquifer material which forms the uppermost, unconfined, water table aquifer. Aquifers are also present within the consolidated, Tertiary-aged, Columbia River Basalt Group. This underlying basalt aquifer system is composed of three primary formations, in descending order, the Saddle Mountains Basalt, the Wanapum Basalt, and the Grande Ronde Basalt.

The basalt aquifer system is a series of zones some of which conduct water easily. These zones of high conductivity alternate with zones of dense basalt, which impede the flow of water and are considered to have low hydraulic conductivity. The highly permeable basalt zones range in thickness from a few feet to 25 feet. It is the composite of the permeable water conducting zones which provides the well with the capability of yielding the desired amount of water. Thus, generally, the deeper the well, the more water will be available since by going deeper more permeable zones will be penetrated.

U.S. Geological Survey Water-Resources Investigations Report 87-4238 indicates that the Saddle Mountains member may be present in the area of the existing well. The top of this unit is estimated to be at about 350 - 400 feet above mean sea level for Wells 2 and 3, with a total thickness not clearly delineated, but with a rough estimate of 50-100 feet. It does not appear from the well construction logs for the subject wells that the Saddle Mountain Unit in this area, if indeed present, contains any water bearing zones.

Below the Saddle Mountains Basalt, the top of the Wanapum Basalt unit is shown to also occur at a depth of approximately 350 to 400 feet above mean sea level for Wells 2 and 3. The estimated thickness of the Wanapum unit in the vicinity of the subject wells is approximately 900 -1000 feet. Comparing this information with recorded construction data from the well construction logs for the three wells involved in this project, it is concluded that the wells currently authorized for use are completed into, and withdraw water from, the Wanapum Basalt unit (Table 8).

With regards to Well 1, Report 87-4283 indicates that the top of the Saddle Mountains member occurs at approximately 250 feet above mean sea level, with a total depth of 50 to 100 feet. The top of the Wanapum Unit is estimated to be 200 -250 feet above mean sea level, with a total depth of 1000 feet. Comparing the construction log information against the estimates provided in USGS Report 87-4283 suggests that this well, too, is completed into and withdraws water from the Wanapum Unit of the Columbia River Basalt Group.

Table 8: Well Construction Characteristics

Well	Completed Depth (feet)	First Basalt (feet bgs) ¹	First Basalt (feet amsl) ²	Casing (feet)	Static Water Level (feet)	Date Static Measurement
Well No. 1:	1102	295	285	n/a	n/a	n/a
Well No. 2:	1263	295	400	566	165	1/1990
Well No. 3:	1035	290	395	296	180	1/1990

¹ Feet below ground surface
² Feet above mean sea level

Statutory Requirements

Applications for change of ground water rights permits and certificates and claims are governed by RCW 90.03.380, and RCW 90.44.100, which state in part that: the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Such amendment shall be issued only on the conditions that:

- The change must not cause detriment or injury to existing rights;
- A valid right/claim exists that is eligible to be changed;
- The change shall not allow for the enhancement of the right perfected under the original certificate
- An additional or new well shall withdraw water from the same source as the original
- The proposed change would not be detrimental to the public welfare.

No Detriment/Impairment to Existing Rights:

“Impair” or “impairment” means to: 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection, and/or 2) to prevent the beneficial use of the water to which one is entitled, and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below instream flow levels established by rule (POL-1200), and/or 4) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

The proposed change in place of use will not change the quantities of water historically pumped. There are no documented instances of conflict or interference between basalt wells in the vicinity of the subject wells that have led to any determination of impairment by Ecology. A change in place of use to this water right will not impair or be detrimental to existing rights.

No Enhancement of the Original Right:

The quantities of water pumped/acres irrigated under GW Cert. No. 284-A(A) would not increase through approval of this application. The only physical changes to the right will be change in place of use to cover lands adjacent to the existing place of use. The proposed change would not allow for appropriation beyond those quantities and irrigated acres determined to have been put to historic beneficial use.

A Valid Right Exists that is Eligible to be Changed:

For purposes of acting on the subject application, a tentative determination as to the extent and validity of the subject water right was completed. The quantities of water determined to be available for the changed place of use and additional point of withdrawal requested under this application are 375 gallons per minute, 224.2 acre-feet per year, from January 1 to December 31, each year, for the seasonal irrigation of 85 acres. There was no evidence, either from available data or from 20+ years of this writer’s personal experience of working with water in the basin, to suggest that there have been 5 consecutive years of non-use of any of the above quantities of water during any time from 1967 to 2012.

Same Source of Water:

The three existing authorized points of withdrawal are all are completed into, and withdraw water from, the Wanapum Unit of the Columbia River Basalt Group. Water withdrawn from various depths within this unit can be considered the same source of water.

No Detriment to Public Welfare:

There are no findings in this investigation to indicate that there would be any detrimental impact to the public welfare through issuance of the proposed change.

Other

N/A

The information or conclusions in this section were authored and/or developed by that applicant and Bill Neve of Water Right Solutions.

CONCLUSIONS

Tentative determination (validity and extent of the right)

The results of a tentative determination of the water right show that the following quantities are valid and available for the requested changes: 375 gallons per minute, 224.2 acre-feet per year, from January 1 to December 31, each year, for the seasonal non-additive irrigation of 85 acres.

Relinquishment or abandonment concerns

RCW 90.14.160 provides that:

"Any person entitled to divert or withdraw waters of the state through any appropriation authorized by enactments of the legislature prior to enactment of chapter 117, Laws of 1917, or by custom, or by general adjudication, who abandons the same, or who voluntarily fails, without sufficient cause, to beneficially use all or any part of said right to divert or withdraw for any period of five successive years after July 1, 1967, shall relinquish such right or portion thereof, and said right or portion thereof shall revert to the state, and the waters affected by said right shall become available for appropriation in accordance with RCW 90.03.250."

The full quantities/irrigated acres allocated under Cert. No. 284-A(A) have been determined through a tentative determination of extent and validity to have been put to historic beneficial use, and are available for the proposed changes. No portion of this right has been determined to be subject to relinquishment under Chapter 90.14 RCW, nor are there any abandonment issues. The full quantities proposed for change in this application, being 375 gallons per minute, 224.2 acre feet per year, for the non-additive irrigation of 85 acres, are valid and available for this change.

Hydraulic analysis

The hydraulic analysis for this proposed change indicates that: (1) The wells proposed for use under this application are completed into, and withdraw water from, the Wanapum Unit of the Columbia River Basalt Group, and (2) All the wells withdraw water from the same body of public ground water.

Consideration of comments and protests

Public notice of the application was given in the *Waitsburg Times* on June 13th and 20th, 2013. The protest period ended on July 20th, 2013. There were no protests received during the 30 day protest period. In addition, no oral and/or written comments were received at an open public meeting of the board or other means as designated by the board.

Impairment

There is no evidence that the proposed change in place of use will impair any existing rights, including instream flows established through WAC 173-532.

Public Interest

No detriment to the public welfare was identified during the processing of this application. The proposed changes are consistent with WAC 173-532 (Water Resources Program for the Walla Walla River Basin, WRIA 32) and RCW 90.54 (Water Resources Act of 1971) as well as the Walla Walla County Municipal Code and WRIA 32 Watershed Plan.

Other

The board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision.

DECISION

Applications for change of ground water rights permits and certificates and claims are governed by RCW 90.03.380 and RCW 90.44.100, which state in part that: the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Such amendment shall be issued only on the conditions that:

- The change must not cause detriment or injury to existing rights;
- A valid right/claim exists that is eligible to be changed;
- The change shall not allow for the enhancement of the right perfected under the original certificate
- An additional or new well shall withdraw water from the same source as the original
- The proposed change would not be detrimental to the public welfare.

It is the conclusion of the Walla Walla County Water Conservancy Board that, in accordance with RCW 90.44.100, (1) the proposed change in place of use will not impair existing rights, including instream flows established through WAC 173-532; (2) a valid right exists and is eligible to be changed to the extent the right has been put to historic beneficial use, as summarized above; (3) that the change will not expand or enhance the right which was perfected under the original certificate; and (4) the proposed change will not be detrimental to the public welfare. The requested changes in place of use to Ground Water Certificate No. 284-A(A) are approved, subject to the provisions and conditions listed below.

The quantities approved herein under this application shall be divided into two separate authorizations: Ground Water Certificate Nos. 284-A(A) and 284-A(D) which shall, when perfected, supersede existing Ground Water Certificate No. 284-A(A). The quantities of water allocated to the respective authorizations are summarized in Table 8, below:

Table 9: Summary of the Board's Decision on the Water Right Change – GW Cert. No. 284-A(A)

Name	Proposed Cert. No	Acres	Instantaneous (gpm)	Acre-feet	Purpose
Scott Byerley	GW Cert. No. 284-A(A)	5.00	21.0	13.2	Irrigation
J&J Golf, LLC	GW Cert. No. 284-A(D)	80.00	354	211	Irrigation
	Totals	85.00	375	224.2	

The information or conclusions in this section were authored and/or developed by the applicant, Bill Neve of Water Right Solutions and members of the Walla Walla County Water Conservancy Board.

PROVISIONS

Conditions and limitations

This authorization changes the place of use as provided by RCW 90.03.380, and when perfected will supersede Ground Water Certificate No. 284-A(A), issued December 20, 2011 – (See Table 9, above).

All conditions and requirements contained in reports of examination, permits or superseding certificates previously issued apply to this authorization unless specifically noted below.

Wells, Well Logs and Well Construction Standards

1. All wells constructed in the State shall meet the construction requirements of Chapter 173-160 WAC entitled *Minimum Standards for the Construction and Maintenance of Wells* and Chapter 18.104 RCW titled *Water Well Construction*.
2. The water user is required to maintain an access port to measure water levels within the authorized wells, as described in Ground Water Bulletin No. 1. An airline and gage may be installed in addition to the access port.
3. If/when any of the authorized wells are modified or replaced, a completed well report of the well(s) shall be submitted by the driller to the Department of Ecology within 30 days of completing the construction or modifications authorized herein. All pump test data for the well(s) shall be submitted to the Department as it is obtained.
4. All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Measurements, Monitoring, Metering and Reporting

5. An approved measuring device shall be installed and maintained for each of the sources authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements"
<http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>
6. Water use data shall be recorded monthly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.
7. Reported water use data shall be submitted via the Internet or by using the enclosed forms. To set up an Internet reporting account, access <https://fortress.wa.gov/ecy/wrx/wrx/Meteringx>. If you have questions or need additional forms, contact the Eastern Regional Office.
8. Future Superseding Certificates for Ground Water Certificate Nos. 284-A(A) and 284-A(D) will not be issued until evidence of meter installation has been submitted to the Department of Ecology.

Schedule and Inspections

9. Development and perfection of the quantities of water assigned to authorization numbers 284-A(A) and 284-A(D) shall be pursued and evaluated separately from each other. Failure to develop the full quantities of water in accordance with these conditions and provisions on one authorization shall not impact the ability of the second authorization to proceed to certificate provided that these provisions have been met.
10. Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

11. The water right holder shall file the notice of project completion when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The superseding certificate will reflect the extent of beneficial use within the limitations of the change authorization. Elements of the project completion inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and compliance with provisions.
12. A superseding certificate will not issue until a final examination is made.

General Conditions

13. Issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.
14. Use of water under this authorization shall be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.
15. This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Native Americans under Treaty or otherwise.
16. The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop(s) grown on the number of acres and the place of use specified.

Mitigation (if applicable)

No mitigation was proposed, or determined to be necessary, for approval of the proposed change.

Construction Schedule

The irrigation infrastructure is largely in place to perfect this change. Full development of the housing project will be required to fully transition this right from agricultural irrigation to irrigation of the golf course. A five-year development schedule to put water to full beneficial use is initially proposed, with the possibility of extensions as necessary given current economic conditions which have hampered development of the property. Completion of Construction is due November 1, 2017, and water is to be put to Full Beneficial Use by November 1, 2018.

Other

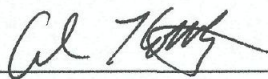
N/A

The information or conclusions in this section were authored and/or developed by the applicant, Bill Neve of Water Right Solutions and members of the Walla Walla County Water Conservancy Board.

The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Walla Walla, Washington

This 2nd day of October, 2013



Alan Kottwitz, Board Representative
Walla Walla County Water Conservancy Board

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

Ecology is an equal opportunity employer

Attachment A: Legal Description for J&J Golf, LLC

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, ALL IN SECTION 24, AND IN THE NORTHWEST 1/4, THE NORTHEAST 1/4, THE SOUTHWEST 1/4, AND THE SOUTHEAST 1/4, ALL IN SECTION 25 OF TOWNSHIP 7 NORTH OF RANGE 34 EAST, W.M., WALLA WALLA COUNTY, WASHINGTON, DESCRIBED MORE PARTICULARLY AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 25; THENCE N 88°43'24" E ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF SECTION 25 A DISTANCE OF 2097.09 FT. TO THE TRUE POINT OF BEGINNING FOR THIS LEGAL DESCRIPTION:

THENCE N 64°35'30" E, A DISTANCE OF 221.51 FEET; THENCE N 81°24'37" E, A DISTANCE OF 421.19 FEET; THENCE N 00°49'39" W, A DISTANCE OF 93.07 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 330.11 FEET, WITH A RADIUS OF 497.08 FEET, WITH A CHORD BEARING OF N 80°22'13" E, WITH A CHORD LENGTH OF 324.08 FEET; THENCE S 33°13'56" E, A DISTANCE OF 552.85 FEET; THENCE S 29°36'52" E, A DISTANCE OF 107.26 FEET; THENCE S 28°23'01" E, A DISTANCE OF 311.99 FEET; THENCE S 35°01'31" E, A DISTANCE OF 681.80 FEET; THENCE S 15°00'39" E, A DISTANCE OF 150.46 FEET; THENCE N 88°04'59" E, A DISTANCE OF 338.81 FEET; THENCE N 15°00'39" W, A DISTANCE OF 285.45 FEET; THENCE N 35°01'31" W, A DISTANCE OF 181.26 FEET; THENCE N 46°13'15" E, A DISTANCE OF 252.14 FEET; THENCE N 53°36'03" W, A DISTANCE OF 349.32 FEET; THENCE N 59°38'29" E, A DISTANCE OF 220.56 FEET; THENCE N 18°31'47" E, A DISTANCE OF 463.05 FEET; THENCE S 58°30'54" E, A DISTANCE OF 250.03 FEET; THENCE N 33°50'52" E, A DISTANCE OF 214.87 FEET; THENCE N 38°31'40" E, A DISTANCE OF 60.12 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 499.18 FEET, WITH A RADIUS OF 773.00 FEET, WITH A CHORD BEARING OF S 73°46'16" E, WITH A CHORD LENGTH OF 490.55 FEET; THENCE N 87°14'29" E, A DISTANCE OF 13.29 FEET TO A POINT IN THE WEST RIGHT OF WAY LINE OF FRENCH TOWN ROAD; THENCE S 01°31'21" E ALONG THE WEST RIGHT OF WAY LINE OF FRENCHTOWN ROAD, A DISTANCE OF 28.11 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 25; THENCE S 01°30'50" E CONTINUING ALONG THE WEST RIGHT OF LINE OF FRENCHTOWN ROAD, A DISTANCE OF 2019.62 FEET; THENCE S 88°28'17" W, A DISTANCE OF 541.27 FEET; THENCE S 05°12'23" E, A DISTANCE OF 662.90 FEET; THENCE S 32°09'21" W, A DISTANCE OF 316.25 FEET; THENCE S 06°44'57" W, A DISTANCE OF 221.71 FEET; THENCE S 55°24'14" W, A DISTANCE OF 137.64 FEET; THENCE N 41°28'00" W, A DISTANCE OF 62.36 FEET; THENCE S 72°00'51" W, A DISTANCE OF 214.94 FEET; THENCE N 46°56'23" W, A DISTANCE OF 377.14 FEET; THENCE N 71°56'09" E, A DISTANCE OF 350.60 FEET; THENCE N 07°22'58" E, A DISTANCE OF 64.95 FEET; THENCE N 32°09'21" E, A DISTANCE OF 93.91 FEET; THENCE N 22°03'43" E, A DISTANCE OF 102.16 FEET; THENCE N 04°04'06" W, A DISTANCE OF 229.45 FEET; THENCE N 23°42'13" W, A DISTANCE OF 153.85 FEET; THENCE S 71°45'15" W, A DISTANCE OF 167.67 FEET; THENCE N 80°13'10" W, A DISTANCE OF 186.94 FEET; THENCE S 13°04'52" W, A DISTANCE OF 335.01 FEET; THENCE S 25°16'52" W, A DISTANCE OF 180.34 FEET; THENCE S 74°33'01" W, A DISTANCE OF 285.14 FEET; THENCE S 65°16'45" W, A DISTANCE OF 298.09 FEET; THENCE N 88°39'22" W, A DISTANCE OF 252.21 FEET; THENCE N 70°36'34" W, A DISTANCE OF 255.30 FEET; THENCE S 72°23'35" W, A DISTANCE OF 126.14 FEET; THENCE S 52°38'46" W, A DISTANCE OF 290.16 FEET; THENCE S 35°44'31" W, A DISTANCE OF 272.53 FEET; THENCE S 57°38'30" E, A DISTANCE OF 236.43 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 24.10 FEET, WITH A RADIUS OF 655.06 FEET, WITH A CHORD BEARING OF N 24°27'27" E, WITH A CHORD LENGTH OF 24.10 FEET; THENCE S 64°29'18" E, A DISTANCE OF 60.00 FEET; THENCE S 84°52'45" E, A DISTANCE OF 278.47 FEET; THENCE N 41°29'33" E, A DISTANCE OF 136.21 FEET; THENCE N 77°02'25" E, A DISTANCE OF 169.74 FEET; THENCE S 89°17'37" E, A DISTANCE OF 89.06 FEET; THENCE S 77°20'07" E, A DISTANCE OF 135.67 FEET; THENCE N 83°53'33" E, A DISTANCE OF 286.09 FEET; THENCE N 54°13'58" E, A DISTANCE OF 199.42 FEET; THENCE S 46°52'20" E, A DISTANCE OF 411.54 FEET; THENCE S 06°50'01" W, A DISTANCE OF 65.79 FEET; THENCE S 65°59'45" W, A DISTANCE OF 295.94 FEET; THENCE S 73°48'10" W, A DISTANCE OF 562.32 FEET; THENCE N 84°52'45" W, A DISTANCE OF 938.20 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 222.93 FEET, WITH A RADIUS OF 445.00 FEET, WITH A CHORD BEARING OF S 23°10'37" W, WITH A CHORD LENGTH OF 220.60 FEET; THENCE S 16°39'01" W, A DISTANCE OF 44.49 FEET; THENCE S 80°12'34" W, A DISTANCE OF 102.59 FEET; THENCE N 88°32'57" W, A DISTANCE OF 610.09 FEET; THENCE N 11°02'23" W A DISTANCE OF 407.91 FEET; THENCE N 15°45'01" W A DISTANCE OF 297.15 FEET; THENCE N 04°48'05" E A DISTANCE OF 194.20 FEET; THENCE N 19°59'02" E, A DISTANCE OF 30.83 FEET; THENCE N 16°47'44" W, A DISTANCE OF 235.53 FEET; THENCE N 53°17'39" W, A DISTANCE OF 238.03 FEET; THENCE N 53°17'39" W, A DISTANCE OF 75.21 FEET; THENCE N 68°03'48" W, A DISTANCE OF 170.68 FEET; THENCE N 39°27'42" E, A DISTANCE OF 86.41 FEET; THENCE N 34°33'15" E, A DISTANCE OF 180.14 FEET; THENCE N 51°21'58" W, A DISTANCE OF 540.80 FEET; THENCE N 33°33'56" W, A DISTANCE OF 399.78 FEET; THENCE N 01°36'03" W, A DISTANCE OF 240.22 FEET; THENCE N 17°08'50" E, A DISTANCE OF 347.38 FEET; THENCE S 35°30'33" E, A DISTANCE OF 125.81 FEET; THENCE S 55°57'26" E, A DISTANCE OF 636.76 FEET; THENCE N 41°16'01" E, A DISTANCE OF 341.40 FEET; THENCE N 27°14'25" W, A DISTANCE OF 171.97 FEET; THENCE N 44°30'51" W, A DISTANCE OF 567.08 FEET; THENCE N 16°56'33" W, A DISTANCE OF 82.10 FEET; THENCE N 03°39'48" E, A DISTANCE OF 121.92 FEET; THENCE N 31°13'27" E, A DISTANCE OF 97.13 FEET; THENCE N 62°50'00" E, A DISTANCE OF 192.93 FEET; THENCE N 74°39'12" E, A DISTANCE OF 517.51 FEET; THENCE S 25°25'00" E, A DISTANCE OF 329.79 FEET; THENCE S 64°57'26" W, A DISTANCE OF 31.43 FEET; THENCE S 74°39'40" W, A DISTANCE OF 365.56 FEET; THENCE S 07°59'12" E, A DISTANCE OF 121.77 FEET; THENCE S 44°33'15" E, A DISTANCE OF 151.91 FEET; THENCE N 62°48'25" E, A DISTANCE OF 33.79 FEET; THENCE S 27°11'35" E, A DISTANCE OF 330.00 FEET; THENCE S 25°58'34" E, A DISTANCE OF 679.87 FEET; THENCE S 22°45'58" E, A DISTANCE OF 498.16 FEET; THENCE N 63°49'47" E, A DISTANCE OF 392.63 FEET; THENCE N 54°12'33" E, A DISTANCE OF 1072.44 FEET; THENCE S 77°00'48" E, A DISTANCE OF 166.41 FEET; THENCE N 24°59'43" E, A DISTANCE OF 176.29 FEET; THENCE N 25°19'55" E, A DISTANCE OF 121.46 FEET; THENCE N 35°01'48" W, A DISTANCE OF 628.05 FEET; THENCE N 28°23'01" W, A DISTANCE OF 326.30 FEET; THENCE N 29°36'52" W, A DISTANCE OF 92.27 FEET; THENCE N 33°13'56" W, A DISTANCE OF 233.15 FEET; THENCE S 81°24'37" W, A DISTANCE OF 515.76 FEET; THENCE S 64°36'55" W, A DISTANCE OF 473.51 FEET; THENCE N 25°25'00" W, A DISTANCE OF 329.78 FEET; THENCE N 64°35'30" E, A DISTANCE OF 300.90 FEET; TO THE TRUE POINT OF BEGINNING. HAVING AN AREA OF 234.39 ACRES, MORE OR LESS.

Attachment B: Contact Information

Division of Ground Water Cert. No. 284-A(A)

<i>Name</i>	<i>Proposed Cert. No</i>	<i>Acres</i>	<i>Instantaneous (gpm)</i>	<i>Acre-feet</i>	<i>Purpose</i>
Scott Byerley	GW Cert. No. 284-A(A)	5.00	21.0	13.2	Irrigation
J&J Golf, LLC	GW Cert. No. 284-A(D)	<u>80.00</u>	<u>354</u>	<u>211</u>	Irrigation
	Totals	85.00	375	224.2	

Scott Byerley – GW Cert. No. 284-A(A)
501 Langdon Rd.
Walla Walla WA 99362
(509) 520-2895

J & J Golf, LLC – GW Cert. No. 284-A(D)
Attn: James Pliska
176 Wine Valley Rd.
Walla Walla WA 99362
(509) 525-4653